

REFERENCE TITLE: CPS; duty to inform; allegations

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2046

Introduced by
Representatives Knaperek, Burges, Senator Johnson: Representative Weiers
J, Senator Garcia

AN ACT

AMENDING SECTION 8-803, ARIZONA REVISED STATUTES; RELATING TO DEPENDENT CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 8-803, Arizona Revised Statutes, is amended to
3 read:

4 8-803. Limitation of authority: duty to inform

5 A. ~~Upon ON~~ initial contact with a parent, guardian or custodian WHO IS
6 under investigation pursuant to this article AND BEFORE A CHILD MAY BE
7 REMOVED FROM THE HOME, a child protective services worker shall inform the
8 ~~family that the family~~ PERSON UNDER INVESTIGATION OF ALL OF THE FOLLOWING,
9 BOTH VERBALLY AND IN WRITING, AND MUST MAKE ALL REASONABLE EFFORTS TO RECEIVE
10 WRITTEN CONFIRMATION THAT THE PERSON UNDER INVESTIGATION RECEIVED THE WRITTEN
11 INFORMATION:

12 1. THAT THE PERSON is under investigation by the department. ~~, shall~~
13 ~~inform the parent, guardian or custodian of~~

14 2. The specific complaint or allegation made against that person. ~~and~~
15 ~~shall make clear~~

16 3. That the worker has no legal authority to compel ~~the family~~ ANYONE
17 to cooperate with the investigation or to receive protective services offered
18 pursuant to the investigation. ~~The worker shall inform the family of the~~
19 ~~worker's authority~~

20 4. THAT THE WORKER IS AUTHORIZED to petition the juvenile court for a
21 determination that a child is dependent. ~~The worker shall inform the parent,~~
22 ~~guardian or custodian of that person's~~

23 5. THAT THE PERSON UNDER INVESTIGATION HAS THE right to participate in
24 the mediation program in the attorney general's office, to file a complaint
25 with the ombudsman-citizens aide pursuant to section 41-1376 and to appeal
26 determinations made by child protective services. The worker shall provide
27 the telephone numbers of these state agencies. ~~The worker shall supply the~~
28 ~~information prescribed in this subsection and information outlining parental~~
29 ~~rights under the laws of this state in writing and shall make all reasonable~~
30 ~~efforts to receive written acknowledgment from the parent, guardian or~~
31 ~~custodian.~~

32 B. The child protective services worker shall also inform the person
33 about whom the report was made BOTH VERBALLY AND IN WRITING about that
34 person's right to respond to the allegations either verbally or in writing,
35 including any documentation, and to have this information considered in
36 determining if the child is in need of protective services. The worker shall
37 ~~tell~~ INFORM the person BOTH VERBALLY AND IN WRITING that anything the person
38 says or writes can be used in a court proceeding. If the person makes a
39 verbal response, the worker shall include the response in the written report
40 of the investigation. If the person makes a written response, including any
41 documentation, the worker shall include this response and the documentation
42 in the case file. Information provided in response to the allegations shall
43 be considered during the investigation by the worker. The worker shall
44 maintain the response and documentation in the case file and provide this

1 information to the court before a hearing or trial relating to the dependency
2 petition.

3 C. If the family declines to cooperate with the investigation or to
4 accept or to participate in the offered services, or if the worker otherwise
5 believes that the child should be adjudicated dependent, the worker may file
6 with the juvenile court a petition requesting that the child in need of
7 protective services be adjudicated dependent.

8 D. Refusal to cooperate in the investigation or to participate in the
9 offered services does not constitute grounds for temporary custody of a child
10 except if there is a clear necessity for temporary custody as provided in
11 section 8-821.